IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.7180 of 2008
SABUJA DEVI @ SABO DEVI
Versus
STATE OF BIHAR

For the petitioner: Mr. Manoj Kumar Pandey, Advocate
For the State : Mr. Choubey Jawahar A.P.P.

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3 6.8.2008 Learned counsel for the petitioner is permitted to make necessary correction in paragraph 1 of the bail application.

Heard learned counsel for the petitioner and the State.

Petitioner has been made an accused in a case instituted under sections 304 B, 201, 120B of the Indian Penal Code and ¾ of the Dowry Prohibition Act.

Allegation against the petitioner is that she along with other family members was torturing the deceased and making demand of dowry. It is further alleged in the complaint petition that when the informant went to see his daughter he came to know that in the night of 27.5.2005 petitioner along with other accused persons burnt his daughter to death.

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Learned counsel for the petitioner submits that this is a false case and the deceased has committed suicide by burning herself. Further submission of the petitioner is that the case was supervised by the Deputy Superintendent of Police, Rajauli on 22.8.2005 and he has come to the conclusion that the case was found true against the accused persons under section 306 of the Indian Penal Code. However, subsequently police has submitted charge sheet under section 304 B and other sections of the Indian Penal Code. It has also been urged on

behalf of the petitioner that statements of several persons have been recorded under section 161 Cr.P.C. who have stated that the petitioner was not present at the time of occurrence. It has further been submitted that petitioner is an old lady aged about 62 years and is in jail since 23.11.2007 only for the reasons that she happens to be the mother-in-law.

Learned counsel for the State submits that there is general allegation on all the accused persons regarding killing the deceased for dowry and there are two contradictory versions in the case diary.

In the facts and circumstances of the case and in view of the submission made by the learned counsel, petitioner Sabuja Devi @ Sabo Devi is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of C.J.M. Nawada in connection with Narhat P.S. case no. 40 of 2005.

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(Dr. Ravi Ranjan, J)

Rahman/